UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:18-cy-293-FDW

JOHN ANTHONY HILL,)
Plaintiff,)
vs.	ORDER
DERRICK PALMER, et al.,)
Defendants.)
)

THIS MATTER is before the Court on Defendant Jeremy Bresch's Motion for Extension of Time to Answer, (Doc. No. 17), and *pro se* Plaintiff's Letter dated April 7, 2019, (Doc. No. 19), that is construed as a Motion requesting that exhibits A through N that he filed in another case before this Court be docketed in the instant case and that he be appointed counsel.

First, Defendant Bresch's Motion for Extension of Time will be denied as moot because he timely filed an Answer to the Complaint. (Doc. No. 18).

Second, Plaintiff's request that exhibits he filed in another case before this Court¹ be "entered as evidence" in the instant case. (Doc. No. 19 at 1). His request will be denied at this time because piecemeal filing will not be allowed. However, a copy of those exhibits will be mailed to Plaintiff as a courtesy and this denial is without prejudice for Plaintiff to refile those documents in this case, if appropriate, in future.

Third, Plaintiff's request for the appointment of counsel will be denied. There is no absolute right to the appointment of counsel in civil actions such as this one. Therefore, a plaintiff

¹ Case number 1:18-cv-294-FDW was dismissed as duplicative of the instant action.

must present "exceptional circumstances" in order to require the Court to seek the assistance of a

private attorney for a plaintiff who is unable to afford counsel. Miller v. Simmons, 814 F.2d 962,

966 (4th Cir. 1987). In support of his request, Plaintiff states that he no longer has access to

jailhouse lawyers because he is on "lockdown." (Doc. No. 19 at 1). Plaintiff has failed to establish

the existence of any extraordinary circumstances and his request for the appointment of counsel

will be denied.

IT IS THEREFORE ORDERED that

1) Defendant Jeremy Bresch's Motion for Extension of Time to Answer, (Doc. No.

17), is **DENIED** as moot.

2) Plaintiff's Letter, (Doc. No. 19), is construed as a Motion seeking the filing of

exhibits from another case and for the appointment of counsel which is **DENIED**

without prejudice.

3) The Clerk of Court is instructed to mail Plaintiff a copy of Exhibits A through N

from case number 1:18-cv-294-FDW.

Signed: April 23, 2019

Frank D. Whitney

Chief United States District Judge

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